



Sen. Christine Radogno

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1 AMENDMENT TO SENATE BILL 1245

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1245, AS AMENDED,  
3 by replacing the enacting clause with the following:

4 "Section 5. The Public Safety Employee Benefits Act is  
5 amended by changing Section 10 and adding Section 17 as  
6 follows:

7 (820 ILCS 320/10)

8 Sec. 10. Required health coverage benefits.

9 (a) An employer who employs a full-time law enforcement,  
10 correctional or correctional probation officer, or firefighter  
11 (hereinafter referred to as "injured employee"), who, on or  
12 after the effective date of this Act suffers a catastrophic  
13 injury or is killed in the line of duty shall pay the entire  
14 premium of the employer's health insurance plan for the injured  
15 employee, the injured employee's spouse, and for each dependent  
16 child of the injured employee until the child reaches the age

1 of majority or until the end of the calendar year in which the  
2 child reaches the age of 25 if the child continues to be  
3 dependent for support or the child is a full-time or part-time  
4 student and is dependent for support. The term "health  
5 insurance plan" does not include supplemental benefits that are  
6 not part of the basic group health insurance plan. If the  
7 injured employee subsequently dies, the employer shall  
8 continue to pay the entire health insurance premium for the  
9 surviving spouse until remarried and for the dependent children  
10 under the conditions established in this Section. An employer  
11 shall not be required to pay the premium of the health  
12 insurance plan as provided in this Section if the employee or  
13 employee's spouse: (1) is granted disability income benefits  
14 under Title II (42 U.S.C. 401 et seq.) or supplemental security  
15 income benefits under Title XVI (42 U.S.C. 1381 et seq.) of the  
16 Social Security Act, (2) accepts health insurance benefits from  
17 another source, or (3) becomes eligible for federal Medicare  
18 benefits. However:

19 (1) Health insurance benefits payable from any other  
20 source shall reduce benefits payable under this Section.

21 (2) It is unlawful for a person to willfully and  
22 knowingly make, or cause to be made, or to assist, conspire  
23 with, or urge another to make, or cause to be made, any  
24 false, fraudulent, or misleading oral or written statement  
25 to obtain health insurance coverage as provided under this  
26 Section. A violation of this item is a Class A misdemeanor.

1           (3) Upon conviction for a violation described in item  
2           (2), a law enforcement, correctional or correctional  
3           probation officer, or other beneficiary who receives or  
4           seeks to receive health insurance benefits under this  
5           Section shall forfeit the right to receive health insurance  
6           benefits and shall reimburse the employer for all benefits  
7           paid due to the fraud or other prohibited activity. For  
8           purposes of this item, "conviction" means a determination  
9           of guilt that is the result of a plea or trial, regardless  
10          of whether adjudication is withheld.

11          (b) In order for the law enforcement, correctional or  
12          correctional probation officer, firefighter, spouse, or  
13          dependent children to be eligible for insurance coverage under  
14          this Act, the injury or death must have occurred as the result  
15          of the officer's response to fresh pursuit, the officer or  
16          firefighter's response to what is reasonably believed to be an  
17          emergency, an unlawful act perpetrated by another, or during  
18          the investigation of a criminal act. Nothing in this Section  
19          shall be construed to limit health insurance coverage or  
20          pension benefits for which the officer, firefighter, spouse, or  
21          dependent children may otherwise be eligible.

22          (c) "Catastrophic injury" means an injury that is one of  
23          the following:

24                 (1) spinal cord injury involving severe paralysis of an  
25                 arm, a leg, or the trunk;

26                 (2) any amputation of an arm, a hand, a foot, or a leg

1 that involves the effective loss of use of that appendage;

2 (3) severe brain or closed head injury as evidenced by:

3 (A) severe sensory or motor disturbances;

4 (B) severe communication disturbances;

5 (C) severe complex integrated disturbances of  
6 cerebral function;

7 (D) severe disturbances of consciousness;

8 (E) severe episodic neurological disorders; or

9 (F) other conditions at least as severe in nature

10 as any condition provided in items (A) through (E);

11 (4) second or third degree burns over 50% of the body  
12 as a whole or third degree burns to 50% or more of the face  
13 or hands;

14 (5) total vision loss; or

15 (6) any other injury, the direct and proximate cause of  
16 which permanently prevents an individual from performing  
17 any gainful work.

18 (d) An injured employee who on or after the effective date  
19 of this amendatory Act of the 98th General Assembly suffers an  
20 injury that is not considered catastrophic under subsection (c)  
21 of this Section, but would otherwise qualify the individual to  
22 receive a line-of-duty disability pension that was awarded as a  
23 consequence of the officer's response to fresh pursuit, the  
24 officer's or firefighter's response to what is reasonably  
25 believed to be an emergency, an unlawful act perpetrated by  
26 another, or during the investigation of a criminal act or under

1 Section 3-114.1 or 4-110 of the Illinois Pension Code or a duty  
2 death benefit under Section 3 of the Line of Duty Compensation  
3 Act, shall be considered to have suffered a qualifying  
4 disability and shall be entitled to receive health insurance  
5 benefits as provided in this subsection.

6 An injured employee who has suffered a qualifying  
7 disability is entitled to purchase or continue to purchase the  
8 same health insurance benefits provided by the unit of  
9 government at the time that the injured employee was injured  
10 for a period of 5 years following the qualifying disability.  
11 The employer shall pay not less than 50% of the total insurance  
12 premium.

13 The injured employee is entitled to purchase or continue to  
14 purchase health insurance coverage until the earlier of: (1) a  
15 decision being rendered granting disability income benefits  
16 under Title II (42 U.S.C. 401 et seq.) or supplemental security  
17 income benefits under Title XVI (42 U.S.C. 1381 et seq.) of the  
18 Social Security Act, (2) the injured employee accepting health  
19 insurance benefits from another source, or (3) the date the  
20 injured employee becomes eligible for federal Medicare  
21 benefits.

22 (e) By July 1 of every year, a person receiving benefits  
23 under this Act shall be required to submit to the employer, on  
24 a form provided by the employer, a report that shall include  
25 the following:

26 (1) gainful employment by the beneficiary within the

1       reporting period;

2           (2) compensation earned by the beneficiary as a result  
3       of the employment;

4           (3) current annual household income;

5           (4) whether the injured employee, or his or her spouse,  
6       has been offered any insurance from another source; and

7           (5) whether the injured employee, or his or her spouse,  
8       is currently enrolled in any insurance plan from another  
9       source.

10       Any information collected by the employer under this  
11       Section shall be exempt from the requirements of the Freedom of  
12       Information Act except data collected in the aggregate that  
13       does not reveal any personal information of the injured  
14       employee.

15       (f) The employer may cancel benefits being provided under  
16       this Act for any beneficiary (1) whose household income exceeds  
17       800% of the poverty level; (2) who has rejected an offer of  
18       insurance coverage from another source; or (3) who is currently  
19       enrolled in an insurance plan from another source. Benefits may  
20       be denied any individual who fails to timely file a completed  
21       report under this Section. Not less than 60 days prior to July  
22       1, an employer shall notify any employee receiving benefits  
23       under this Act of that employee's obligation to file a report  
24       under this Section. Any employee that fails to timely file a  
25       report under this Section by July 1 shall be notified that he  
26       or she has 30 days to submit the report. Any employee who fails

1 to file 30 days after receiving this notice may be denied  
2 benefits.

3 (Source: P.A. 90-535, eff. 11-14-97.)

4 (820 ILCS 320/17 new)

5 Sec. 17. Claims report.

6 (a) An employer subject to this Act shall file a claims  
7 report with the Public Pension Division of the Department of  
8 Insurance in the format prepared by the Division. The Division  
9 shall design the form and prescribe the content of the report.  
10 At least 60 days before the filing deadline, the Division shall  
11 provide the form to the employers subject to this Act. The  
12 claims report shall be filed no later than December 31 of each  
13 year. The claims report shall set forth the required  
14 information for the 12-month period ending on June 30 preceding  
15 the deadline date for filing the report. The claims report  
16 shall, at a minimum, contain the following information:

17 (1) the number of claims filed under this Act during  
18 the reporting period;

19 (2) the number of claims awarded under this Act during  
20 the reporting period;

21 (3) the dollar amount of all claims awarded under this  
22 Act during the reporting period;

23 (4) the number of claims paid under this Act during the  
24 reporting period regardless of when the claim was awarded;

25 (5) the dollar amount of all claims paid under this Act

1 during the reporting period regardless of when the claim  
2 was awarded;

3 (6) the annual cost of the benefit and any available  
4 long-term cost projections;

5 (7) the nature of the injury;

6 (8) any gainful employment during the annual reporting  
7 period;

8 (9) the compensation earned as a result of that  
9 employment; and

10 (10) any accessible insurance options.

11 The claims report shall redact any information as required by  
12 the Health Insurance Portability and Accountability Act of 1996  
13 (HIPAA).

14 (b) On or before July 1 of each year, the Public Pension  
15 Division of the Department of Insurance shall submit a report  
16 to the Governor and General Assembly setting forth the  
17 information received under subsection (a) with respect to the  
18 most recently completed reporting period. The requirement for  
19 reporting to the General Assembly shall be satisfied by filing  
20 copies of the report with the Speaker, Minority Leader, and  
21 Clerk of the House of Representatives, the President, Minority  
22 Leader, and Secretary of the Senate, the Legislative Research  
23 Unit as required under Section 3.1 of the General Assembly  
24 Organization Act, and the State Government Report Distribution  
25 Center for the General Assembly as required under paragraph (t)  
26 of Section 7 of the State Library Act. Upon request, the

1 Division shall provide copies of the report at no charge to  
2 employers subject to this Act, to public libraries, and to  
3 State agencies.

4 (c) By July 1 of every year, a person receiving benefits  
5 under this Act shall be required to file, on a form provided by  
6 the employer, a report that shall include the following:

7 (1) gainful employment by the beneficiary within the  
8 reporting period;

9 (2) compensation earned by the beneficiary as a result  
10 of the employment;

11 (3) current annual household income;

12 (4) whether the injured employee, or his or her spouse,  
13 has been offered comparable insurance from another source;  
14 and

15 (5) whether the injured employee, or his or her spouse,  
16 is currently enrolled in a comparable insurance plan from  
17 another source.

18 Benefits may be denied any individual who fails to timely  
19 file a report under this subsection.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.".